

Appl. No. : 10/662,696
Filed : Sept. 15, 2003

REMARKS

The foregoing amendments and the following remarks are responsive to the December 29, 2005, Office Action. Claims 1 and 5 are amended, Claims 2-4 and 6-8 remain as originally filed, and Claim 9 has been added. Thus, Claims 1-9 remain pending in this application.

Response to Objection of the Specification

In the December 29, 2005, Office Action, the Examiner objected to the disclosure because of informalities within the specification. Applicants have amended paragraphs [0029], [0051], [0072] and [0075] to correct the informalities pointed out by the Examiner. Accordingly Applicants request that the objection to the specification be withdrawn.

Response to Rejection of Claims 1-8

In the December 29, 2005, Office Action, the Examiner rejected Claims 1-8 under 35 U.S.C. §101 as directed to non statutory subject matter. The Examiner argued that the method as claimed was considered merely an abstract manipulation of information to produce a treatment recommendation and did not cause a useful, tangible, and concrete result.

Applicants have amended Claims 1 and 5 by adding the step of "creating an output statement that comprises said treatment recommendation." In view of these amendments, Applicants request that the rejection under 35 U.S.C. §101 be withdrawn.

New Claims

Applicants have added new Claim 9. Applicants maintain that new Claim 9 is patentable for similar reasons as Claims 1-8.

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CONCLUSION

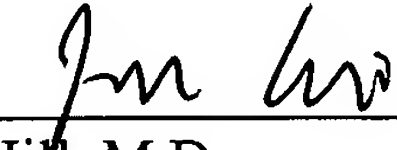
In view of the foregoing remarks, Applicants submit that Claims 1-9 are in condition for allowance and Applicants respectfully request such action. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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